

# Exhibit 9

John Bradley vs.  
Timothy J. Cruz, et al.

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July 23, 2015

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Volume II  
CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER Pages 2-1 to 2-195  
Exhibits 9 to 23  
UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

-----X  
JOHN BRADLEY,  
Plaintiff,

vs. Civil Action  
No. 1:13-cv-

TIMOTHY J. CRUZ : 12927-RGS  
(Individually), MICHAEL HORAN :  
(Individually), FRANK J. :  
MIDDLETON (Individually), and :  
OFFICE OF THE DISTRICT :  
ATTORNEY FOR PLYMOUTH COUNTY, :  
Defendants. :

-----X  
CONTINUED DEPOSITION OF JOHN E. BRADLEY, JR.,  
a witness called on behalf of the Defendants, taken  
pursuant to the Federal Rules of Civil Procedure,  
before Alexander K. Loos, Registered Diplomat  
Reporter and Notary Public in and for the  
Commonwealth of Massachusetts, at the Offices of  
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, PC,  
One Financial Center, 35th Floor, Boston,  
Massachusetts, on Thursday, July 23, 2015,  
commencing at 12:16 p.m.

PRESENT:

Sinsheimer & Associates  
(By Robert S. Sinsheimer, Esq.)  
E-mail: rsinsheimer@sinsheimerlaw.com  
92 State Street  
9th floor  
Boston, MA 02109  
617.722.9954  
for the Plaintiff

(Continued on next page)

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1 PRESENT (Continued):

2 Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, PC  
(By Bret A. Cohen, Esq. and Robert  
3 Sheridan, Esq.)  
E-mail: bcohen@mintz.com  
4 rsheridan@mintz.com  
One Financial Center  
5 Boston, MA 02111  
617.542.6000  
6 for the Defendants.

7 ALSO PRESENT: Michael Horan

8 \*\*\*\*\*  
9

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2 WITNESS DIRECT CROSS REDIRECT RECROSS

3 JOHN E. BRADLEY, JR.  
4 BY MR. COHEN 2-5

6 \*\*\*\*\*  
7

8 EXHIBITS

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10 9	Case Summary Criminal Docket,	2-12
11	Commonwealth v. Choy, Kenneth S.	
12 10	Blank September 2012 calendar	2-15
13 11	Typed and handwritten note, "A"-3	2-29
14 12	Case Summary, Criminal Docket,	2-64
	Commonwealth v. Choy, Frances Y.	
15 13	E-mail from Ms. O'Sullivan to	2-77
16	Mr. Bradley, dated 7/8/2008, with	
17	attached image	
18 14	E-mail from Ms. O'Sullivan to	2-79
19	Mr. Bradley, dated 6/25/2008, with	
20	attached image	
21 15	E-mail from Ms. O'Sullivan to Mr.	2-82
22	Bradley, dated 6/18/2008, with	
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24 16	E-mail from Ms. O'Sullivan to	2-83
	Mr. Bradley, with attached e-mail	
	chain and images	

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2 NO.	DESCRIPTION	PAGE
3 17	Memorandum of Understanding, Olivio	2-130
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5	retained by counsel)	
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7	disposition sheet, docket no 0615 CR	
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9 20	Letter from Mr. Cohen to Ms. Robb,	2-174
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12	dated August 26, 2013	
13 22	Annotated Laws of Massachusetts,	2-186
14	Chapter 12, Section 16	
15 23	E-mail from Mr. Bradley to	2-189
16	Ms. O'Sullivan, dated January 04,	
17	2011, and related e-mail chain	

18 \*\*\*\*\*  
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24

1 (Pages 1 to 4)

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<p>1 MR. SINSHEIMER: Object to the form -- 2 well, I objected to the form of the question. 3 You can answer. 4 He didn't contact the US attorney's office. 5 Q. I'm sorry? 6 A. I said no. 7 Q. I just want to make sure it's your 8 testimony that the only document that you presently 9 have in your possession, custody or control that is 10 connected in any way to the three memos that you 11 took from Tim Cruz's office is that which was marked 12 as Exhibit 11; is that right? 13 MR. SINSHEIMER: Object to the form of the 14 question. This is very technical. Now we have them 15 because you gave them to us. I mean... 16 MR. COHEN: Okay. Strike that. 17 Q. That you took -- let me ask the question 18 differently. 19 The document, the single page that was 20 marked as Exhibit 11, Bates stamped 00443 by your -- 21 by your attorney's office, is the single solitary 22 document that you had retained in your possession, 23 custody and control in advance of this litigation; 24 is that right?</p>	<p>1 was Mr. Horan's decision to terminate you; is that 2 right? 3 A. That's right. 4 Q. In fact, as I understand it, you enjoyed -- 5 for a long time had a good relationship with 6 Mr. Horan; is that right? 7 A. Yes. 8 Q. Now, up until the time that you sued 9 Mr. Horan, would you have considered him a friend? 10 A. Yes. 11 Well, let me take that back a little bit. 12 Up until the time when he fired me, 13 understanding that it was Mr. Cruz's decision to 14 fire me, I considered him a friend. 15 Q. Did you ever talk to Mr. Horan about why it 16 was that he was the one who was tasked with the 17 responsibility to terminate you? 18 A. I don't think we -- I asked him if Tim was 19 there in the building as he was firing me. And 20 other than that, I don't think we had a discussion 21 about why it was Tim and not -- why it was not Tim 22 directly. 23 Q. All right. 24 And do you have any reason to believe that</p>
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<p>1 A. Yes. 2 Q. Other than those three memos, it's my 3 understanding you took nothing else from Mr. Cruz's 4 office; is that right? 5 A. That's right. 6 Q. At any other time during your tenure at the 7 district attorney's office, did you ever go into the 8 district attorney's office itself and take any other 9 documents? 10 A. No. 11 Q. When -- when Mr. Horan had terminated you 12 on the 28th of September, did you understand that 13 that termination was related to a decision that was 14 made by Tim Cruz? 15 A. Yes. 16 Q. In other words, it wasn't Mike Horan's 17 decision to fire you; is that right? 18 MR. SINSHEIMER: Object to the form of the 19 question. 20 Q. Right? 21 MR. SINSHEIMER: I object to the form of 22 the question. 23 Q. I mean, as you sit here today, you have no 24 reason to believe that Mr. Horan's decision -- it</p>	<p>1 the reason -- strike that. 2 Do you have any reason to believe that the 3 following is not true: That Mike Horan was tasked 4 with the responsibility to let you go because he had 5 a friendship with you and he wanted to handle it as 6 delicately as possible? 7 A. Yes, I do have some reason to believe 8 that's not true. 9 Q. Okay. And what's that reason? 10 A. I think Tim simply was afraid to do it 11 himself. 12 Q. Okay. So other than -- and what's the 13 basis of your belief that Tim was just afraid to do 14 it himself? 15 A. Because that was Tim's modus operandi. He 16 simply did not want to get involved in anything 17 controversial in the office directly. 18 Q. Other than the fact that you didn't think 19 that Tim wanted to be involved in anything 20 controversial, do you have any other reason to 21 believe that the circumstances of Mike Horan's being 22 the one to deliver the message to you was anything 23 other than Mike's effort to soften the blow, so to 24 speak?</p>

15 (Pages 57 to 60)

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<p>1 is Karen O'Sullivan, but we haven't explained 2 exactly who she was. 3 So as of -- well, strike that. 4 When you first came back to the district 5 attorney's office in 2003, what role did she have? 6 A. I don't know, other than she was an 7 assistant DA. I don't remember whether she was 8 in -- in superior court at that time or not. 9 Q. And do you remember what her next role was 10 at the DA's office? 11 A. I know at some time she was promoted to 12 superior court. I just don't know when that was 13 chronologically. 14 Q. And do you know what Karen O'Sullivan's 15 participation in any election and/or political 16 campaigning was between the time that you arrived at 17 the office and the time of her ascension to the 18 superior court? 19 A. I don't. 20 Q. And then from the time she was promoted 21 into the superior court docket, she eventually had 22 an additional promotion at the DA's office; is that 23 correct? 24 A. After she was promoted to superior court?</p>	<p>1 that, nobody was ranked in any particular order. 2 They were just regular assistant DA's, and Karen 3 fell into that category. 4 Q. Did you get along with Karen O'Sullivan? 5 A. Yes. 6 Q. Would you consider her a friend? 7 A. I do. 8 Q. And so approximately how long have you and 9 Karen O'Sullivan been friends? 10 A. We've been friends for maybe about seven or 11 eight years. 12 Q. And she has supported you in this 13 litigation, correct? 14 A. Yes. 15 Q. And per -- the way Karen O'Sullivan 16 supported you in this litigation was providing you 17 an affidavit -- 18 A. Yes. 19 Q. -- is that right? 20 And tell us about your participation in the 21 creation of the affidavit that you eventually had 22 Karen O'Sullivan sign. 23 A. I had no participation in that affidavit. 24 Q. Did -- do you know -- how did Karen</p>
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<p>1 Q. Yes, sir. 2 A. I don't believe so. 3 Q. Okay. So what was -- in your mind, what 4 was the highest level that Karen O'Sullivan achieved 5 while at the Plymouth County DA's office? 6 A. She was an assistant district attorney 7 assigned to superior court. She didn't have a 8 specific title. 9 Q. And where did she rank in the office? 10 MR. SINSHEIMER: Object to the form. 11 You can answer. 12 A. I'm not sure what you mean. 13 Q. So there is a hierarchy in the office. The 14 hierarchy is Tim Cruz is at the top; Frank Middleton 15 is the first assistant, right? 16 A. Yes. 17 Q. And then there are -- there are people that 18 are below him -- 19 A. Right. 20 Q. -- is that right? 21 Where did Karen O'Sullivan rank? 22 A. You know, again, at the time I was below 23 Frank. I was the deputy first assistant. There 24 were couple of second assistants, and then, after</p>	<p>1 O'Sullivan know what subject matters to cover in 2 that affidavit? 3 MR. SINSHEIMER: Object to the form. 4 You can answer. 5 A. I don't know. 6 Q. So is it your testimony that you had no 7 conversations with Karen O'Sullivan about what was 8 going to be in the affidavit before you received it? 9 A. The only -- 10 MR. SINSHEIMER: That's not what he said. 11 A. -- conversations I had with Karen were 12 about the fact that my lawyers at the time would be 13 contacting her. Other than that, I stayed out of 14 it. 15 *Q. Is it your testimony that you never saw a 16 draft of the affidavit before? 17 MR. SINSHEIMER: Object -- objection. 18 Instruct you not to answer. 19 MR. COHEN: It's testimony in the case. 20 MR. SINSHEIMER: As far as I'm concerned, 21 until I know that it's not a privileged 22 communication between him and his prior counsel, I'm 23 instructing him not to answer. We don't get into 24 drafting, Counsel. His testimony clearly is he</p>

17 (Pages 65 to 68)

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<p>1 a discussion as to when mine was scheduled. 2 Q. And -- and what else was said in this 3 conversation? 4 A. I think we also discussed when the other 5 depositions were scheduled in the case. 6 Q. And what did Ms. O'Sullivan say to you 7 about her testimony in this case? 8 A. She didn't say anything about her 9 testimony. She told me that she thought that her 10 attorney had a problem with the day, and that it may 11 have to be rescheduled. That's it. 12 Q. So can you and I agree that, as an 13 assistant district attorney, you have certain fairly 14 high ethical and professional duties to the 15 Commonwealth? 16 A. Yes. 17 Q. Those ethical and professional duties are 18 different than others that don't hold positions 19 that, for example, can dictate people who are 20 prosecuted and what happens to them and the like; is 21 that right? 22 A. Yes. 23 Q. Do you believe that you -- your going into 24 Tim Cruz's office on September 29th was consistent</p>	<p>1 September 29th, 2012? 2 A. My reason was my lack of trust at that time 3 of Tim and the Middletons. I didn't deem them to be 4 trustworthy at all. 5 Q. So it was -- there are two reasons which 6 drove your decision to act the way you did on 7 September 29th: One was the fact that you believed 8 that Tim would destroy this evidence because it 9 contained references to your decision not to 10 participate in the campaign; and two was because you 11 just didn't trust Tim Cruz and Frank Middleton; is 12 that right? 13 MR. SINSHEIMER: Object to the form. 14 A. Those reasons. And also I was concerned 15 that the memorandums could be used to sabotage 16 Ms. O'Sullivan's career. 17 Q. My question was just -- my question was 18 just about what the basis was of your belief that 19 Tim Cruz would destroy this evidence, and you just 20 told me what the evidence could be used for. 21 I'm just asking you, other than your lack 22 of trust of Tim Cruz and Frank Middleton, combined 23 with the fact it's your belief that this memo 24 contained reference to your failure to contribute or</p>
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<p>1 with those duties of high integrity and ethical -- 2 MR. SINSHEIMER: Objection, asked and 3 answered. 4 You can answer again. 5 A. You know, I think, as I said last time, my 6 moral compass might have been off a little, but I 7 was angry, and I was upset, and I had reason to 8 believe that those documents would be destroyed, not 9 be provided, or potentially used against 10 Ms. O'Sullivan. And at the time I felt that it was 11 something I should do. 12 Q. Did you have reason to believe that Tim 13 Cruz would have destroyed that evidence that you 14 just discussed? 15 A. Yes. 16 Q. And what was the basis of that belief that 17 Tim Cruz would have destroyed that evidence? 18 A. Because it contained direct reference to my 19 failure to participate in the campaign. 20 Q. So other than the fact that the documents 21 themselves had references to your failure to 22 participate in a campaign, do you have any other 23 basis for believing Tim Cruz would have destroyed 24 the evidence that you took from his office on</p>	<p>1 participate in the 2010 election, other than those 2 two, do you have any other basis for believing that 3 the evidence would be destroyed? 4 A. Not that I could think of right now. 5 MR. SINSHEIMER: Is this a good time for a 6 restroom break? 7 MR. COHEN: Sure. Of course. 8 (Recess taken) 9 BY MR. COHEN: 10 Q. So from -- back to your earlier testimony, 11 the Choy prosecution, your involvement was from 12 sometime in 2003 through May 2011, right? 13 A. Yes. 14 Q. And during that time there was multiple 15 trials of Frances Choy; is that right? 16 A. Yes. 17 Q. And you testified there were three trials 18 of her? 19 A. Yes. 20 Q. And ultimately she was convicted of first 21 degree murder; is that right? 22 A. Yes. 23 Q. And do you know what that status is now? 24 Is it on appeal? Do you know?</p>

19 (Pages 73 to 76)

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<p>1 "Brockton Barbie (also sold in 2 Rockland)." 3 Could you read that part into the record? 4 A. It says: 5 "This recently paroled Barbie comes 6 with a 9mm handgun, a Ray Lewis knife, a 7 Chevy with dark tinted windows, and a meth 8 lab kit. This model is only available 9 after dark and must be paid for in cash 10 (preferably small untraceable bills). 11 Unless you are a cop, then we don't know 12 what you are talking about." 13 Q. Brockton is where the DA's office is 14 located? 15 A. Yes. The main office. 16 Q. There is others here beneath that: Duxbury 17 Weymouth, Downtown Boston/North End, Western Mass., 18 et cetera, et cetera, right? 19 A. Yes. 20 Q. There is -- is it fair to say that these 21 depict women in various forms, everything from -- 22 from gay, for example, to wealthy? 23 A. I haven't had a chance to read through the 24 whole thing. They depict a bunch of women standing</p>	<p>1 saying to Ms. O'Sullivan words to the effect that, 2 "It's probably inappropriate for e-mails to be 3 circulated between us that in some way poke fun at 4 Asians" while you're prosecuting Ms. Choy? 5 A. I don't remember ever discussing any 6 e-mails with her. 7 Q. Okay. Let's turn to another subject, if we 8 can. 9 Strike that. 10 Before we do, did you ever say anything to 11 Tim Cruz, or Frank Middleton, or anybody in the 12 office about -- say anything to them about these 13 e-mails that you were receiving from Karen 14 O'Sullivan? 15 A. No. 16 Q. All right. Let's turn to some big picture 17 items for a second. 18 There are two separate allegations that you 19 make as to why you were terminated relative to 20 whistle blowing: One relates to your claim that you 21 were terminated by the district attorney's office 22 based on some issues around the prosecution of OUI, 23 and the second was around your concerns about the 24 way confidential informants were being handled at</p>
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<p>1 in front of vehicles. 2 Q. Do you believe that these are the kind of 3 e-mails that should be exchanged in a government 4 e-mail server? 5 A. No. 6 Q. Do you agree with characterizations of the 7 women that's depicted in the e-mail that Karen 8 O'Sullivan sent you? 9 A. Do I agree with the content of it, is that 10 what you're asking? 11 Q. Right. Yes, sir. 12 A. No. 13 Q. Did you tell her that you didn't agree with 14 the content of these e-mails, that in any way you're 15 uncomfortable with them and not to send them to you? 16 A. I don't even remember receiving this. I 17 mean obviously I did, but I just don't remember it. 18 I don't remember ever reading it. And I don't 19 remember ever having a conversation with her about 20 it. 21 Q. So with respect to the e-mails that were 22 depicting an Asian in one form or another that were 23 sent to you by Karen O'Sullivan during the time of 24 your prosecution of Frances Choy, do you recall ever</p>	<p>1 the DA's office. 2 Is that right? 3 A. Yes. 4 Q. And at the bottom, those are the two claims 5 around whistle blowing on which you rely, OUI and 6 confidential informants; is that right? 7 A. Yes. 8 Q. So explain, if you would, for me, 9 Mr. Bradley, exactly what it is that you believe 10 Timothy Cruz and the Plymouth County DA's office was 11 doing wrong around the prosecution of OUIs, driving 12 under the influence and the like, that you had blown 13 the whistle on? 14 A. I had started keeping statistics right 15 after I became the supervisor for the district 16 courts of the jury-waived OUI trials, and I think 17 beginning in 2006 I would provide those to Mr. Cruz 18 and Mr. Horan, which showed a distinct pattern of 19 jury-waived not guiltyies in OUI cases, which reached 20 an unbelievably high percentage. And essentially 21 nothing was done about it up until the time of the 22 "Globe" spotlight series. 23 Q. So what was -- let's just euphemistically 24 say "Tim Cruz," and so speaking for the entire</p>

22 (Pages 85 to 88)

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<p style="text-align: right;">Page 89</p> <p>1 office, right?</p> <p>2 So I'm asking what was Tim Cruz doing or</p> <p>3 not doing that you were blowing the whistle on?</p> <p>4 What did he control in this process?</p> <p>5 A. He didn't do anything about what was</p> <p>6 clearly a pattern of abuse by certain judges.</p> <p>7 Q. All right.</p> <p>8 So it wasn't that Tim -- you're not</p> <p>9 suggesting that Tim Cruz was engaged in any</p> <p>10 corruption around OUIs, are you?</p> <p>11 A. No.</p> <p>12 *Q. As you sit here right now, your testimony</p> <p>13 isn't, under oath, that Tim Cruz was somehow rigging</p> <p>14 the system so that defendants would get out of the</p> <p>15 crimes associated with OUI, right?</p> <p>16 *A. No.</p> <p>17 MR. SINSHEIMER: Wait. Let's make sure,</p> <p>18 the double negative. He's not making that</p> <p>19 allegation. That was a long, convoluted question,</p> <p>20 Bret. And the way it came out on the transcript,</p> <p>21 you're going to see there was a double negative, and</p> <p>22 I hate double negatives on transcripts.</p> <p>23 MR. COHEN: Could you just repeat the</p> <p>24 question back.</p>	<p style="text-align: right;">Page 91</p> <p>1 that up until you became involved in this OUI issue,</p> <p>2 we'll call it, that Mr. Cruz, DA Cruz had made no</p> <p>3 effort to address the concerns which you're raising</p> <p>4 today?</p> <p>5 MR. SINSHEIMER: Well, object to the form.</p> <p>6 But you can answer.</p> <p>7 A. I'm not sure I understand that question.</p> <p>8 I don't know what -- prior to becoming</p> <p>9 supervisor to the district courts, I don't know what</p> <p>10 Mr. Cruz knew or did not know about this particular</p> <p>11 issue.</p> <p>12 Q. And when did you become the supervisor of</p> <p>13 the district courts?</p> <p>14 A. I think it was early in 2006. It might</p> <p>15 have been late in 2005, but it was right in that</p> <p>16 time period.</p> <p>17 Q. And up until that point, that is, in late</p> <p>18 2005 early 2006, you have no reason to believe that</p> <p>19 Tim Cruz even knew this OUI issue existed; is that</p> <p>20 right?</p> <p>21 A. That's right.</p> <p>22 Q. And when is it that you first brought the</p> <p>23 OUI issue to Tim Cruz's attention?</p> <p>24 A. It would have been at the end of the 2006</p>
<p style="text-align: right;">Page 90</p> <p>1 *(Record read)</p> <p>2 BY MR. COHEN:</p> <p>3 Q. All right.</p> <p>4 So it's important that I, and I think we,</p> <p>5 understand the substance of this whistle blowing</p> <p>6 claim, the OUI claim. And until now, I don't know</p> <p>7 that I do.</p> <p>8 And so it isn't your contention,</p> <p>9 Mr. Bradley, that Mr. Cruz was somehow making sure</p> <p>10 defendants got off of crimes they committed around</p> <p>11 OUI, right?</p> <p>12 A. That's right.</p> <p>13 Q. Your concern was really with -- your</p> <p>14 concern around the OUI issue was around the</p> <p>15 judiciary; is that right?</p> <p>16 A. That was the main concern, but the</p> <p>17 collateral concern was that we, as an office, knew</p> <p>18 this was going on for a period of years and did</p> <p>19 nothing about it.</p> <p>20 Q. Okay. Is it your contention that it was</p> <p>21 you, Mr. Bradley, that first brought this issue that</p> <p>22 you're concerned about around OUIs to the surface?</p> <p>23 A. Yes.</p> <p>24 Q. Is it also your testimony, Mr. Bradley,</p>	<p style="text-align: right;">Page 92</p> <p>1 calendar year.</p> <p>2 Q. And how did you bring the OUI issue to Tim</p> <p>3 Cruz's attention?</p> <p>4 A. I tallied up statistics at the end of the</p> <p>5 year, and I provided those statistics to both</p> <p>6 Mr. Cruz and Mr. Horan.</p> <p>7 Q. And how did you present those statistics to</p> <p>8 Mr. Cruz and Mr. Horan?</p> <p>9 A. It was on a -- a document.</p> <p>10 Q. And how did Mr. Cruz and Mr. Horan respond?</p> <p>11 A. I don't remember any response from</p> <p>12 Mr. Cruz. I do remember talking to Mr. Horan about</p> <p>13 the statistics.</p> <p>14 Q. And what did you say to Mr. Horan, and</p> <p>15 Mr. Horan say to you?</p> <p>16 A. You know, again, I'm not going to be able</p> <p>17 to give you specifics. I remember generally we</p> <p>18 talked about, "Wow, this is ridiculous."</p> <p>19 Q. And at that point, and any time thereafter,</p> <p>20 you never suggested that Tim Cruz and the DA's</p> <p>21 office was somehow involved in corruption around</p> <p>22 OUI, right?</p> <p>23 A. No.</p> <p>24 Q. And the --</p>

23 (Pages 89 to 92)

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1 MR. SINSHEIMER: Again, he says "no" to  
2 "never," and for the record he's agreeing with you,  
3 sir, that there is no allegation of complicity.  
4 Q. So what happened next after you brought  
5 this memo to Mr. Horan's attention?  
6 A. We just had a discussion, or a couple of  
7 discussions about it, and that was about it at that  
8 point.  
9 Q. And what did Tim Cruz's office do about  
10 your concerns?  
11 A. Nothing.  
12 Q. Did you ever confront Tim Cruz and say  
13 words to the effect, "I believe that I've raised a  
14 very significant issue with" -- "with you, and  
15 nothing's being done about it"?  
16 A. At some point we had a discussion about the  
17 fact that we needed to do something about this, and  
18 I don't remember when that was. It certainly wasn't  
19 in 2006. It may have been in late 2007, but by some  
20 point in 2008 we had a discussion about it.  
21 Q. So you originally raised this issue in late  
22 2007 at some point; 2008 you actually have a  
23 discussion with Tim Cruz about it; is that right?  
24 A. No. I raised the issue in late 2006 for

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1 the first time.  
2 Q. Put this another way:  
3 When was the first time that you actually  
4 spoke to Tim Cruz directly about the concerns around  
5 the OUI issue?  
6 A. I don't remember.  
7 Q. Did -- to the best of your knowledge, did  
8 Tim Cruz do anything about the concerns that you  
9 raised at that time?  
10 A. No. Not the first time we discussed it.  
11 Q. When is the first time Tim Cruz did  
12 anything about the OUI issues you raised?  
13 A. I believe it was sometime in 2008.  
14 Q. And what did Tim Cruz do about it?  
15 A. He asked Mr. Horan and myself to go down to  
16 the Wareham district court and talk to the presiding  
17 justice about the issue.  
18 Q. And did you and Mr. Horan do what District  
19 Attorney Cruz suggested?  
20 MR. SINSHEIMER: I'm going to again say for  
21 the record that I think we ought to be very careful.  
22 Both parties have got confidentiality when you  
23 have DA's talking to judges, unless it's absolutely  
24 essential for this litigation.

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1 MR. COHEN: It's all protected.  
2 MR. SINSHEIMER: Mr. Horan was mentioned,  
3 too.  
4 It's perfectly legal for a DA to talk to a  
5 judge. I'm putting on the record to be extremely  
6 cautious about this testimony.  
7 THE WITNESS: We did.  
8 BY MR. COHEN:  
9 Q. Do you believe that there is anything about  
10 that meeting between you and the judge and Mr. Horan  
11 that was in any way designed to quash your concerns?  
12 A. I'm not sure what you mean by that.  
13 Q. Well, you've claimed that part of the  
14 reason why you were fired from the DA's office was  
15 because you whistle blew on this OUI issue, right?  
16 A. Right.  
17 Q. So I'm asking you whether or not this  
18 meeting with the judge and Mr. Horan and yourself  
19 was part of some conspiracy, in your mind, to -- to  
20 not address the OUI issue that you had raised.  
21 A. No.  
22 Q. So in other words, is it fair to say that  
23 you believe that that meeting with you, Mr. Horan,  
24 the judge was a positive step in addressing your OUI

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1 concern?  
2 A. Yes.  
3 Q. And that meeting which took place, you do  
4 believe it was a positive step in addressing your  
5 OUI concern, took place in 2008, right?  
6 A. I believe so, yes.  
7 Q. Okay. And other than that meeting that was  
8 held at the direction of Tim Cruz between yourself,  
9 the judge and Mr. Horan, what other steps did Tim  
10 Cruz instruct you to undertake around the OUI issue?  
11 A. None.  
12 Q. Did the OUI -- OUI issue improve after the  
13 meeting with the district judge?  
14 A. For a very short period of time it did, in  
15 that particular court in Wareham.  
16 Q. But that issue did not improve elsewhere;  
17 is that your testimony?  
18 A. Yes.  
19 Q. Just out of curiosity, why didn't you go to  
20 other district courts besides the Wareham district  
21 court?  
22 A. Tim asked us to go down to Wareham, and  
23 that's where we went.  
24 Q. Did you ever tell Tim that you think you

24 (Pages 93 to 96)

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1 should go to other district courts in Plymouth  
2 County?  
3 A. No.  
4 Q. Why not?  
5 A. Because at the time Wareham seemed to be  
6 the most problematic court, and that seemed to be at  
7 least a good way to start the ball rolling.  
8 Q. And for how long did things improve in the  
9 Wareham district court?  
10 A. I want to say about maybe two months.  
11 Q. So then you noticed that things were no  
12 longer improving in the Wareham district court.  
13 Did you tell Tim that?  
14 A. I don't remember if I told Tim. I  
15 definitely told Mr. Horan, and I continued to keep  
16 statistics.  
17 Q. All right.  
18 And so other than -- strike that.  
19 So what did you do, personally, next, after  
20 the 2008 meeting between yourself, Mr. Horan and the  
21 judge about the OUI issue?  
22 A. I notified the district court staff that we  
23 had addressed the issue with the judge; at least we  
24 had raised the issue with the judge. And I asked

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1 them to keep me posted on what was going on and to  
2 bring to my attention any cases that they thought  
3 were especially egregious. And I also continued to  
4 keep statistics in Wareham, and I think at that time  
5 I expanded them to include Plymouth and Hingham as  
6 well. I don't think, up until 2008, I had been  
7 keeping the statistics for the other courts.  
8 Q. Thank you.  
9 And what else did you do, Mr. Bradley, to  
10 address the OUI issue?  
11 A. Other than talking to Mr. Horan about it  
12 periodically, I think that was it.  
13 Q. Did Mr. Cruz ever discuss with you at any  
14 time using the press to resolve your OUI concerns?  
15 A. He discussed the fact, or brought to my  
16 attention the fact that there was going to be a  
17 reporter from the "Boston Globe" coming into the  
18 office, and he asked me to sit down with the  
19 reporter.  
20 Q. And how is it that that reporter came into  
21 the Plymouth County district attorney's office to  
22 discuss the OUI issue?  
23 A. I believe the reporter had contacted  
24 Bridget Middleton, and she had arranged the meeting.

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1 Q. So -- and Bridget Middleton reported to  
2 Timothy Cruz; is that right?  
3 A. At that time, I think so. At some point  
4 her title changed and she was, I think, made deputy  
5 chief legal counsel or something like that.  
6 Q. And Bridget Middleton's role at that time  
7 in the DA's office had to do with, among other  
8 things, addressing the press inquiries; is that  
9 right?  
10 A. That's right.  
11 Q. And, in any event, she worked for Timothy  
12 Cruz; is that right?  
13 A. That's right.  
14 Q. So at some point the press is coming in to  
15 discuss with the DA's office the OUI issue which  
16 we've been discussing; is that right?  
17 A. That's right.  
18 Q. And Timothy Cruz, as you understand it,  
19 directs Bridget Middleton to connect you with the  
20 "Boston Globe" reporter who is doing a story on  
21 this; is that right?  
22 A. That's right.  
23 Q. And that meeting with the press between,  
24 with yourself took place approximately when?

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1 A. It was sometime during the summer of 2011.  
2 Q. And did you speak to the press?  
3 A. We had a meeting in the office with the  
4 reporter, Bridget Middleton and I.  
5 Q. And you're not suggesting, are you, that  
6 this was Tim Cruz's effort -- that is, the meeting  
7 with the press -- to somehow cover up this OUI  
8 issue, are you?  
9 A. No.  
10 Q. And approximately how long did this meeting  
11 with Bridget Middleton and the reporter last?  
12 A. I would say about an hour.  
13 Q. Do you know, as we sit here, for a fact how  
14 it was that the -- the reporter came to the Plymouth  
15 County DA's office?  
16 A. I know they set it up through -- or I think  
17 they set it up through Bridget.  
18 Q. Do you know whether or not Bridget and/or  
19 Tim or somebody from the office reached out to the  
20 reporter to discuss with them this issue?  
21 A. No.  
22 Q. Okay. And what did you tell the reporter  
23 about the OUI issue?  
24 A. I just gave him kind of a summary of what I

25 (Pages 97 to 100)

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<p>1 knew, that I had been keeping these statistics since 2 late 2005 or early 2006, and that we had a -- what 3 appeared to be a major problem on our hands. 4 Q. What did Bridget say during the course of 5 that meeting? 6 A. I don't remember. I don't remember what 7 she -- I don't remember what she said. 8 Q. Do you remember Bridget Middleton 9 contradicting any of your concerns that you raised 10 with the reporter? 11 A. I don't recall. 12 Q. Do you recall anybody from the Plymouth 13 County DA's office contradicting any of the concerns 14 you raised with the reporter during the course of 15 that meeting? 16 A. No. 17 Q. Do you -- do you recall ever putting in 18 writing to Tim Cruz an explanation of what your 19 concerns were around the OUI issue and what should 20 be done to address it? 21 A. I don't think I put anything in writing 22 other than the annual statistics that were provided. 23 Q. So other than providing some annual 24 statistics to Timothy Cruz that would show the</p>	<p>1 Tim Cruz and Mike Horan in 2006, right? 2 A. Right. 3 Q. And then there was the reporter who came in 4 in 2008, as I understand it? 5 A. 2011. 6 Q. 2011. I'm sorry. I got my numbers wrong. 7 So eventually a reporter comes in in 2011, 8 right? 9 A. Right. 10 Q. And then you were ultimately terminated in 11 2012, right? 12 A. Right. 13 Q. Explain to me, if you would, how you 14 connect your raising the OUI issue with your 15 subsequent termination by Timothy Cruz in late 2012. 16 A. Well, ultimately the OUI issue led to the 17 e-mail exchange which he has put forward in his own 18 sworn testimony as the reason that he fired me. 19 Q. And what about that e-mail exchange? 20 A. I'm not sure what you mean, "what about 21 it." 22 Q. So -- well, it's your -- it's your -- okay. 23 Timothy Cruz testified that he -- he 24 terminated you in part because you -- hold on to</p>
Page 102	Page 104
<p>1 conviction rate in jury-waived trials, you do not 2 recall putting anything else in writing to Timothy 3 Cruz about this issue? 4 A. No. 5 Q. And other than -- I just want to make sure 6 we're clear that all this writing was -- with the 7 jury-waived statistics was just the statistics 8 themselves; is that right? 9 A. Yes. 10 Q. Okay. Okay. The second issue that you 11 claim that you were -- by the way -- strike that. 12 How do you connect the dots from the 2008 13 raising of the OUI issue to your 2012 termination? 14 A. I'm not sure what you mean. 15 Q. Well, you allege that Timothy Cruz 16 terminated you in part because you -- quote, 17 unquote -- "blew the whistle" on the OUI issue, 18 right? 19 A. Yes. 20 Q. You initially raised this issue in -- 21 according to your testimony in 2007, right? 22 A. 2006. 23 Q. 2006. Excuse me. 24 So you originally raised the OUI issue with</p>	<p>1 this one, would you? 2 MR. SHERIDAN: Uh-huh. 3 Q. In part -- well, Timothy Cruz testified 4 that the final straw, so to speak, was your e-mail 5 in which you said to Timothy Cruz that you're not 6 his child, right? 7 A. Yeah. I thought he testified that was the 8 sole reason he fired me. 9 Q. Okay. So we're not here to discuss his 10 testimony. We'll just assume for the sake of this 11 discussion that's it. Right? 12 What evidence do you have that Timothy 13 Cruz's stated reason for your termination around 14 that e-mail -- that is the tone that you took with 15 him -- was not the real reason for your termination 16 and that the real reason was, among other things, 17 your raising of the OUI issue initially in 2007, 18 let's say? 19 MR. SINSHEIMER: Object to the form. 20 You can answer. 21 A. What evidence do I have of that? 22 Q. Yes. 23 MR. SINSHEIMER: Object to the form. 24 You can answer.</p>

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<p>1 A. Just my own personal belief as to the 2 timing of it all. That this had been an issue that 3 had been building for a period of six or seven years 4 that he had done almost nothing to address, that had 5 been in the papers, that he had become uncomfortable 6 or disenchanted with the fact that I had been 7 speaking to the "Globe" about it. And then we 8 ultimately had the e-mail exchange. 9 Q. Whose responsibility was it to deal with 10 the press at the Plymouth County district attorney's 11 office? 12 A. It was mainly Bridget Middleton's 13 responsibility. 14 Q. Can you and I agree that Timothy Cruz got 15 to decide who dealt with the press with respect to 16 matters pertaining to the Plymouth County DA's 17 office? 18 A. Yes. 19 Q. And can you and I also agree that if 20 Timothy Cruz tells you not to talk to the press 21 about a particular matter, you should follow that 22 instruction? 23 A. Yes. 24 Q. And can you and I also agree that Timothy</p>	<p>1 that was enabling at least two confidential 2 informants, or cooperators, to be running amok, 3 committing crimes after they had received benefits 4 from the office; and that the -- the office had 5 turned a blind eye to what these folks were doing 6 out there. And that there also were credibility 7 issues concerning these cooperators. 8 Q. Part of this is, you know, look; I'm a 9 civil litigator. I'm not a criminal lawyer, and I 10 haven't spent time in that. I don't entirely 11 understand your answer, so I'm going to ask you a 12 couple of questions to try to get to understand it 13 better. 14 Fair enough? 15 So as I understand it, DA's offices across 16 the Commonwealth -- frankly across the United 17 States -- but they'll use what are called 18 confidential informants to gather information 19 against criminals; is that right? 20 A. Right. 21 Q. And these confidential informants are 22 individuals that -- whose identities are kept from 23 public view as much as possible; is that right? 24 A. Yes.</p>
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<p>1 Cruz telling you not to talk to the press about a 2 particular issue in and of itself does not mean that 3 you're being in any way disadvantaged based -- 4 MR. SINSHEIMER: Keep going. 5 Q. -- based on some concern that you may have 6 raised? 7 MR. SINSHEIMER: Object to the form of the 8 question. 9 You can answer. 10 A. In and of itself, yes. 11 Q. Okay. We'll set that aside. 12 Let's go to the confidential informant 13 issue for a minute. 14 There is another reason why you've claimed 15 that you were fired, and that is around your whistle 16 blowing around the confidential informant issue 17 we'll call it. 18 Fair enough? 19 A. Yes. 20 Q. Why don't you, in your own words, describe 21 for us what the confidential informant issue was. 22 A. Generally speaking, that there was a method 23 of operation that was being used in the office by 24 Mr. Middleton, with the endorsement of Mr. Cruz,</p>	<p>1 Q. And it's also my understanding that often 2 the reason why these confidential informants' 3 identities are kept from public view is because 4 they're exposing criminal activity and their own 5 personal safety could be affected adversely if it 6 were to be known publicly who they were? 7 A. That's right. 8 Q. And it's also fair to say that sometimes 9 these confidential informants provide information in 10 exchange for certain benefits, let's just call them, 11 fair enough? 12 A. Yes. 13 Q. And it's also fair to say that sometimes 14 these confidential informants are -- have been given 15 money of one form or another; is that right? 16 A. No. 17 Q. So have -- has a confidential informant 18 ever been given a place to stay, as far as you know? 19 MR. SINSHEIMER: Hold on. 20 Object to the form of the question. 21 A. Yes. Sometimes they're provided with 22 lodging. 23 Q. Okay. So when I said "money," I probably 24 answered that -- I said it not well.</p>

27 (Pages 105 to 108)

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1 trial. And, in fact, instead of checking in with  
2 me, he was asking the victim witness advocate on the  
3 case how things were going.

4 Q. Other than what you just testified to, can  
5 you think of any other hostility that DA Cruz  
6 engaged in after the October of 2011 stories began  
7 to run?

8 A. The day-to-day things, he seemed to be  
9 avoiding contact with me. Wouldn't come into my  
10 office. He seemed to try to avoid me in the  
11 hallways, if possible. When he couldn't avoid me,  
12 it was a -- it was a very brief hello in passing,  
13 that type of thing.

14 Q. And -- so it's the hallway interactions.  
15 It's his failure to talk to you about a particular  
16 trial.

17 And what else would you describe as hostile  
18 by Timothy Cruz post October 2011?

19 A. Just in general he seemed to almost cut off  
20 all contact with me, direct contact.

21 Q. And -- okay. So I just want to make sure I  
22 understand the panoply of hostility directed towards  
23 you by DA Cruz.

24 First was he wasn't friendly to you in the

1 Q. And so one of those four examples is that  
2 shortly after the October 2011 e-mail -- strike  
3 that. Strike that.

4 That one of the examples that you gave was  
5 that your district court responsibilities were taken  
6 away from you shortly after the October 2011  
7 articles came out, right?

8 A. Right.

9 Q. Can I see -- I think you've got previously  
10 marked as Exhibit 8, right.

11 Could I see that, please?

12 MR. SINSHEIMER: Did somebody take my stack  
13 to use it to...

14 A. Exhibit 8?

15 THE REPORTER: Did we use that one yet,  
16 today?

17 MR. COHEN: No, not today.

18 MR. SINSHEIMER: I don't have that with me  
19 now.

20 MR. COHEN: Exhibit 8. It's the "I'm not  
21 your child" e-mail.

22 MR. SINSHEIMER: The what?

23 MR. COHEN: The "I'm not your child"  
24 e-mail.

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1 hallways; two, he didn't discuss with you a  
2 particular high-profile murder trial that you were  
3 involved in as, in your opinion, he normally would  
4 have done; and three, he generally cut off all  
5 direct communications with you.

6 Is that it?

7 A. That's all I can think of right now.

8 Q. And it is true that you never confronted or  
9 asked --

10 A. Oh, I'm sorry. One other thing.

11 My district court supervisor's job was  
12 taken away from me shortly thereafter.

13 Q. All right.

14 So the four things that you now have  
15 testified to that were hostile, as you described it,  
16 post October of 2011 "Globe" stories was: One,  
17 the -- the chilly reception received in the  
18 hallways; two, the fact that he didn't discuss with  
19 you a particular murder trial; three, that he cut  
20 off all direct contact with you; and four, that the  
21 district court responsibilities were taken away from  
22 you shortly thereafter.

23 Is that it?

24 A. That's all I can think of right now.

1 MR. SHERIDAN: Let me see if I've got a  
2 copy here.

3 MR. COHEN: Can we just go --

4 MR. SHERIDAN: Here we go.

5 MR. SINSHEIMER: We know what it looks  
6 like.

7 Q. Do you have it in front of you?

8 MR. SINSHEIMER: No. No, we don't.

9 MR. COHEN: So I've got his.

10 MR. SINSHEIMER: Use that one. I don't  
11 need a copy.

12 BY MR. COHEN:

13 Q. So what I'm going to do is I'm going to  
14 show you this e-mail, Mr. Bradley.

15 Can you identify the date on that e-mail?

16 A. November 17th of 2011.

17 Q. Right.

18 So that date is the month after the date  
19 that you describe in Paragraph 39, right?

20 A. Yes.

21 Q. And that's the e-mail in which you told  
22 your -- your boss, Timothy Cruz, quote, "I am not  
23 your child," period, end quote.

24 Is that right?

37 (Pages 145 to 148)

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1 A. That's the e-mail, yes.  
2 Q. And -- and it was after that e-mail that  
3 you no longer had the district court  
4 responsibilities; is that right?  
5 A. I believe that's true, yes.  
6 Q. All right.  
7 And so is it possible that your telling  
8 your boss, the Plymouth County district attorney,  
9 that, quote, "I'm not your child," end quote, might  
10 have something to do with your responsibilities  
11 changing at the -- at the Plymouth County district  
12 attorney's office?  
13 MR. SINSHEIMER: Object to the form of the  
14 question.  
15 You can answer.  
16 A. Sure, that's possible.  
17 Q. As you sit here today, can you provide  
18 evidence that the e-mail that we just read, again,  
19 into evidence, had nothing to do with any changes to  
20 your responsibilities --  
21 MR. SINSHEIMER: Object to the form.  
22 Q. -- at the district attorney's office?  
23 MR. SINSHEIMER: Object to the form of the  
24 question.

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1 A. No.  
2 Q. Between Exhibit 8 that's in front of you,  
3 which is dated 11/17/2011, and your termination on  
4 September 28th, 2012, you handled two cases to  
5 trial, Caswell and Winquist; is that right?  
6 A. Yes.  
7 Q. And it's true, isn't it, that other than  
8 those two matters, which had been pending for some  
9 time, those were the only two matters that you were  
10 directly responsible for handling in that time  
11 frame?  
12 A. Yes.  
13 Q. So from the time after the "I'm not your  
14 child" e-mail, through your termination, you no  
15 longer had the district court lead attorney  
16 responsibilities, and you only were responsible for  
17 the two cases I just mentioned, the Caswell and the  
18 Winquist matter; is that right?  
19 A. Not entirely. I think the district court  
20 supervisor's job was taken away from me sometime  
21 after the first of the year.  
22 Q. Okay. But -- so -- so let me rephrase it,  
23 then.  
24 Sometime shortly after the "I'm not your

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1 child" e-mail in November of 2011, the district  
2 court responsibilities are removed from you; is that  
3 right?  
4 A. Yeah. It was within -- within three  
5 months.  
6 Q. Okay. Within -- within -- so -- so within  
7 three months of the November 2011 e-mail your  
8 district court responsibilities are removed,  
9 correct?  
10 A. Yes.  
11 Q. And then all that you did and were  
12 responsible for the Plymouth County district  
13 attorney's office from that period through your  
14 subsequent termination in September 2012 was see to  
15 conclusion those two murder cases, the Caswell and  
16 the Winquist matter; is that right?  
17 A. Not entirely.  
18 Q. Okay. So tell us what other matters that  
19 you were responsible for handling during that period  
20 of time.  
21 A. Well, in terms of cases, you're right.  
22 Q. I want to know in terms of cases.  
23 A. You're right.  
24 Q. So let me ask you the question again.

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1 So in terms of actual cases that you're  
2 responsible for handling between the time of the  
3 "I'm not your child" e-mail through your termination  
4 September 2012, there were two, Caswell and  
5 Winquist, and that's it; is that right?  
6 A. Those were my trial cases, yes.  
7 Q. And were there other cases that you were  
8 the primary attorney responsible for handling in the  
9 period of time of -- from after the "I'm not your  
10 child" e-mail in November of 2011 through your  
11 termination?  
12 A. I think I was working on one of my appeals,  
13 too, but I'm not -- I don't have a specific memory  
14 of which one now.  
15 Q. So the only two cases that you have a  
16 memory actually of being responsible for handling  
17 during the relevant period of time for this  
18 discussion, November 2011 through September 2012,  
19 were Caswell and Winquist; is that right?  
20 A. Yes.  
21 Q. With respect to your district court  
22 responsibilities being removed, did you ever  
23 complain to anybody about that?  
24 A. I believe I had a discussion with Mr. Horan

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<p style="text-align: right;">Page 153</p> <p>1 where I expressed my dissatisfaction with that 2 decision. 3 Q. And what did Mr. Horan tell you? 4 A. It wasn't very in depth. My recollection 5 was he just told me that that's the way Tim wanted 6 it, and I think there was some reference to, you 7 know, the Middletons were starting to become 8 effective in their efforts to marginalize me. 9 Q. You weren't a fan of theirs, right? Of the 10 Middletons? 11 A. I'm sorry. 12 Q. You're not a fan of the Middletons, are 13 you? 14 A. No. 15 MR. COHEN: Can we go off the record for 16 one second. 17 (Discussion off the record) 18 BY MR. COHEN: 19 Q. Is it fair to say that you and the 20 Middletons did not enjoy a good working 21 relationship? 22 A. Over the past several years, that's 23 correct. 24 Q. And do you put the entire blame on the</p>	<p style="text-align: right;">Page 155</p> <p>1 support any contention that Frank Middleton was 2 responsible for your termination? 3 A. Well, I was told many, many times by 4 Mr. Horan that both Frank and Bridget were trying to 5 get Tim to fire me. 6 Q. Other than the statements that you 7 attribute to Mr. Horan in which he told you that 8 Frank and Bridget were trying to get you fired, do 9 you have any other facts that would support your 10 contention that Frank and Bridget had anything to do 11 with your termination? 12 MR. SINSHEIMER: Object to the form. 13 You can answer. 14 A. The memo that was referenced earlier, the 15 attachment to the memo that was submitted by Bridget 16 Middleton to Mr. Cruz that referenced my failure to 17 participate in a campaign, or sitting out the 18 campaign, or however it was phrased. And I knew 19 that they didn't like me, and that they -- they had 20 Tim's ear. 21 Q. So other than the memo to which you just 22 spoke of, and your understanding that the Middletons 23 didn't like you, and that they had Tim's ear, what 24 other facts do you have to support a contention that</p>
<p style="text-align: right;">Page 154</p> <p>1 Middletons for that poor working relationship? 2 A. And on Mr. Cruz. 3 Q. And so therefore you take no responsibility 4 yourself for any of the poor working relationship 5 between yourself and Mr. Middleton, and 6 Mrs. Middleton? 7 A. I think it's almost entirely of their 8 doing. 9 Q. You mean -- when you say "their doing," you 10 mean of Frank, Bridget Middleton as well as 11 Mr. Cruz; is that right? 12 A. Yes. 13 Q. Okay. Is there any responsibility, as you 14 sit here today, that you take, Mr. Bradley, for the 15 demise of the relationship between you and the 16 Middletons? 17 A. Well, I'm not sure what you mean by taking 18 responsibility. I suppose I'm responsible for not 19 making efforts to try to repair the relationship, 20 but at the time and as time went on, I didn't think 21 there was any legitimate chance of that happening. 22 Q. What evidence do you have -- well, strike 23 that. 24 What facts are you aware of that would</p>	<p style="text-align: right;">Page 156</p> <p>1 Frank and/or Bridget Middleton caused you to be 2 fired? 3 MR. SINSHEIMER: Object to the form. 4 You can answer. 5 A. Well, again, Mr. Horan told me several 6 times that they were trying to get me fired. 7 Q. All right. Sorry. 8 So other than the fact that Mr. Horan told 9 you that the Middletons were trying to get you 10 fired, the fact that you knew that the Middletons 11 didn't like you, and the fact of the memo to which 12 you've testified to, do you have any other facts 13 that would support a contention that either Frank or 14 Bridget Middleton caused you to be fired? 15 MR. SINSHEIMER: Object to the form of the 16 question. 17 A. Not that I can think of right now. 18 Q. You, yourself, complained to Tim Cruz about 19 the Middletons; is that right? 20 A. Yes. 21 Q. What about Mr. Horan, sitting across from 22 us right now? What facts are you aware of that 23 would support a contention that Mr. Horan was the 24 cause of your termination?</p>

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1 MR. SINSHEIMER: Object to the form of the  
2 question.  
3 You can answer.  
4 A. Mr. Horan was the cause of my termination?  
5 Q. Yes, sir.  
6 MR. SINSHEIMER: Object to the form of the  
7 question.  
8 You can answer.  
9 A. Well, nothing other than the fact that he  
10 was actually the one that terminated me.  
11 Q. Okay. Other than the fact that Mr. Horan  
12 delivered the message of the termination to you, do  
13 you have any other facts to suggest that the  
14 gentleman sitting to my left in any way caused you  
15 to be terminated, meaning that it was his decision  
16 or he influenced the decision to terminate you?  
17 MR. SINSHEIMER: Object to the form --  
18 well, wait a second.  
19 A. Well --  
20 MR. SINSHEIMER: Hang on one second.  
21 MR. COHEN: You can object. You did.  
22 MR. SINSHEIMER: I don't want to object to  
23 everything. I have a very specific reason for  
24 objecting to these, and I'm not sure I heard it that

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1 time.  
2 You can answer it, I guess.  
3 A. He was the chief of staff. That was his  
4 role. That was his title. And he was Tim's  
5 right-hand man in all personnel areas.  
6 Q. Okay. So have you now testified to all the  
7 reasons in which you know or you believe that  
8 Mr. Horan had any role in the decision to terminate  
9 you?  
10 A. Yes.  
11 Q. So the two reasons why you believe  
12 Mr. Horan had a role in terminating you are: One,  
13 that he was the one who actually told you you were  
14 fired; and two, because he happened to have the  
15 title of chief of staff.  
16 Is that right?  
17 A. That was his job.  
18 Q. Is that right?  
19 A. Yes.  
20 MR. SINSHEIMER: You're done, Bret.  
21 MR. COHEN: Huh?  
22 MR. SINSHEIMER: You're done. Don't think  
23 too hard. You're done. You've had, like, ten  
24 hours.

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1 MR. COHEN: Almost done.  
2 Q. Which was the trial that you concluded on  
3 the 28th of September?  
4 A. James Winquist.  
5 Q. Strike that.  
6 It was the 26th, I think. You were  
7 terminated on the 28th?  
8 A. Right.  
9 Q. So the record's clear, on September 26th,  
10 if you look at your -- strike that.  
11 If you look at the calendar, if you  
12 would -- and what number exhibit is that?  
13 A. 10.  
14 Q. All right.  
15 So if you look at Exhibit Number 10, and  
16 I'll look at it with you, you're going to see that  
17 it -- the 26th is what day?  
18 A. Wednesday.  
19 Q. Will you just indulge me and put a little X  
20 on Wednesday?  
21 A. An X?  
22 Q. An X, yeah.  
23 And you've just Xed out the 26th, right?  
24 A. That's right.

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1 Q. So you complete -- I'll take the red pen  
2 back. Thank you.  
3 That's when that trial concludes, and you  
4 are then terminated on the 28th; is that right?  
5 A. Yes.  
6 Q. Were there any events that took place of  
7 any significance relative to your complaint at the  
8 Plymouth County DA's office from the time of your  
9 completion of that last trial on the 26th through  
10 Mr. Horan letting you know you were terminated on  
11 the 28th?  
12 A. No. In fact, my memory is that I took the  
13 27th off, so I wasn't in the office that day.  
14 Q. Not -- not unusual for an ADA, after a  
15 completion of a challenging murder trial, to take a  
16 day off, right?  
17 A. Right.  
18 Q. You have -- strike that.  
19 Mr. Bradley, do you consider yourself a --  
20 a good homicide prosecuting attorney?  
21 A. I hope so.  
22 Q. Forget hope for a second.  
23 Do you consider yourself a good homicide  
24 prosecutor?

40 (Pages 157 to 160)

John Bradley vs.  
Timothy J. Cruz, et al.

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<p>1 (Document marked as Bradley 2 Exhibit 23 for identification) 3 THE WITNESS: Okay. 4 BY MR. COHEN: 5 Q. It's an e-mail from yourself -- well, at 6 the top it's an e-mail from yourself to Karen 7 O'Sullivan; is that right? 8 Put another way, Mr. Bradley -- 9 A. Yes. 10 Q. -- it's long in the day and this is the 11 last series of questions, and then we're going to 12 wrap up. 13 But there is an e-mail that says -- from 14 Karen O'Sullivan to you, dated -- begins dated 15 January 4th, 2011, at 5:12 p.m. 16 Do you see that? 17 A. I do. 18 Q. And her e-mail says "WTF." 19 Is that -- what did "WTF" mean? 20 A. That means "what the fuck." 21 Q. Right. 22 And what is she referencing? 23 A. I don't know. 24 Q. You don't remember what she was</p>	<p>1 don't like it, there is the door," or something like 2 that. 3 And the background was that there were 4 several assistants that were going to go in to talk 5 to Tim about -- about their issues with Frank and 6 Bridget Middleton, and that this was done with the 7 knowledge and support of Mr. Horan. And somehow 8 Frank had found out about it, and they had gone in 9 to see Tim before this group of assistant DAs could 10 come in and talk to him. 11 Q. And the -- your reference to the "wimp of a 12 DA," that was in reference to Tim Cruz; is that 13 right? 14 A. That's right. 15 Q. So in other words, you were calling Timothy 16 Cruz a wimp; is that right? 17 A. To a colleague, right. 18 Q. To a colleague, right? 19 A. Right. 20 Q. And you and I can agree that calling 21 Timothy Cruz to a colleague a wimp is not 22 respectful; is that right? 23 A. No. 24 Q. No, it's not? Or no, you agree with me</p>
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<p>1 referencing? 2 A. No. It looks like the -- I don't know if 3 there was an e-mail leading up to this or what the 4 triggering event for that question was. 5 Q. Okay. And then your response begins -- 6 could you read your response into the record, 7 please? 8 A. Sure. It says: 9 "That was our wimp of a DA trying to 10 provide some cover for our crazy first 11 assistant. By the way, FM told Tim that CK 12 approached him about you folks meeting with 13 Tim because she was concerned for him (FM) 14 and that Dawley and I helped orchestrate 15 it." 16 Q. Let's put -- 17 A. I know what it was about now. 18 Q. Okay. What was it about? 19 A. It was about a staff meeting that was held, 20 presumably earlier that day, in front of the 21 superior court staff where -- where Tim had 22 basically reaffirmed that Frank was his right-hand 23 man. And that, as I recall, he used some strong 24 language to the staff, and basically said, "If you</p>	<p>1 that it is not respectful? 2 A. No. The conversation, again, was not 3 involving Mr. Cruz, but it wasn't, certainly wasn't 4 complimentary or respectful of him. 5 MR. COHEN: Anything else? 6 We're done. Thank you. 7 Talk to you for a minute. 8 (Whereupon, the deposition was 9 concluded at 5:17 p.m.) 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>

48 (Pages 189 to 192)